

I hope my colleagues will join me in moving those bills.

CROSSFIRE HURRICANE

Mr. President, on another matter, on January 19 of this year, then-President Trump issued a memorandum to the Attorney General, the Director of National Intelligence, and the Director of the Central Intelligence Agency. That memo directed these Agencies to declassify certain Crossfire Hurricane records for public dissemination.

We all know about the fatal defects and political decisions that were made during Crossfire Hurricane. That type of improper government conduct demands maximum transparency. The only way you can trust the government is to make sure that everything that can be made public ought to be made public, and the only exceptions to that would be personal privacy, national security issues, and intelligence matters. Everything else is the public's business and can be made public without hurting people or hurting national security.

On February 25 this year, my staff and Senator JOHNSON's staff requested an update from the Justice Department on what has been declassified. We want to know when a full and complete set of declassified records will be provided to the Congress of the United States.

Since February, our respective staffs have followed up with the Justice Department on countless emails and phone calls. Attorney General Garland has consistently failed to provide a substantive update.

We are now in December, and Attorney General Garland hasn't produced a single declassified record to Congress relating to Crossfire Hurricane. More importantly, Attorney General Garland has kept the American people in the dark.

Now, the Justice Department hasn't claimed that the Durham investigation is a basis for refusing to provide these records, so what is the delay all about? Is the Attorney General trying to shield the Justice Department and the FBI from further embarrassment? Because that is why we don't get a lot of stuff public. It is because some bureaucrat is going to be embarrassed by the information coming out.

The other week, it was reported that an alternative Mueller report has been located at the Justice Department. Now, I don't know what that is all about. Reportedly, DOJ could release it soon. This report, if you want to call it a report, was drafted by Andrew Weissmann's team while he served on Special Counsel Mueller's Trump investigation.

Now, I want you to know this is the same Andrew Weissmann who wiped his government phone while working on that investigation. Many of his colleagues did the same thing to over a dozen phones.

These acts may have deleted Federal records that could be key to better understanding their decision-making process as they pursued their investigation and wrote their report.

On September 11 last year, I wrote to the Justice Department, asking about the potential violation of the Federal recordkeeping laws. I also asked what steps the Justice Department had taken to recover these deleted records.

In response, then, the usual response: The Department failed to answer these questions. Instead, it provided a letter from the inspector general rather than providing a full and complete answer for itself.

The inspector general said that 96 phones were assigned to the Mueller team, but the Justice Department can't locate 59 of those phones. Initially, the Justice Department took possession of 79 of 96 phones.

Based on the information provided to me and Senator JOHNSON from the inspector general, it appears, then, that 74 were reviewed for official recordkeeping purposes; that is, only 74 out of 96 phones.

Accordingly, 22 of Mueller's team's phones weren't reviewed for Federal recordkeeping purposes so we need to know who those phones belong to. This is beyond suspicious, and the Attorney General doesn't seem to have a care in the world.

The inspector general told us there is a document called the SCO Inventory and Property Transfer Document. That would give us a better idea of the Federal recordkeeping process during the Mueller investigation. To date, Attorney General Garland has failed to produce that document.

So what we have here is yet another example of a complete and total Justice Department failure. On the one hand, the Biden Justice Department has no idea what records should be classified—should be declassified pursuant to President Trump's January 2021 declassification order.

The Biden Justice Department has failed to tell Congress what, if anything, it has done to retrieve the missing Mueller phones. The Biden Justice Department has also failed to provide the Mueller team's existing text messages and other records.

Yet, can you believe it, on the other hand, the Justice Department will reportedly soon release an alternative Mueller report because a Federal court made them do it.

Congress has an independent constitutional oversight authority, and that authority requires the executive branch to be responsive to oversight requests, irrespective of any Federal litigation.

The obvious message from the Biden Justice Department is that it will stiff-arm congressional oversight that could prove embarrassing to the Federal Government—or it is like Garland saying: Screw you, Senators.

Our institutions won't survive with that way of doing the people's business. Transparency brings accountability. Probably my colleagues are tired of my saying that—transparency brings accountability. But none of us should stop working to hold government offi-

cials accountable for their improper conduct, regardless of their political party.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

PRESIDENTIAL COMMISSION ON THE SUPREME COURT

Mrs. FISCHER. Mr. President, 8 months after President Biden asked them to study Supreme Court reform, the Presidential Commission on the Supreme Court of the United States has finally released its report.

I want to begin my comments by recalling the backstory behind this group.

The President created this Commission to appease some Members of the Democratic Party. These progressives want to pack the Supreme Court with Justices who will put their agenda before the Constitution.

Not all Democrats belong to that group. I see the Court packers as more of a radical fringe who can't stand the thought that the Court may make decisions that they don't like.

But instead of lending this fringe element the legitimacy they hoped for, the Commission's nearly 300-page report simply lays out the arguments for and against Court packing, and then makes no recommendation.

In fact, the lawyers, professors, and former judges the President appointed were deeply divided on the issue of adding more Justices to our Nation's highest Court.

Twenty-nine of the Commission's 34 members were liberals. But even with this supermajority of left-leaning scholars, the Commissioners still expressed their "profound disagreement over whether Court expansion at this moment in time would be wise."

If you can believe it, many Democrats in Congress are fond of saying that expanding the Supreme Court for political reasons is actually unpacking it.

Representative JERRY NADLER, the Democrat from New York who chairs the House Judiciary Committee, has claimed that unpacking the Court by expanding it would "restore balance" and that Senate Democrats "should immediately move to expand the Supreme Court."

I want to be as clear as I can about this. Adding Justices to the Supreme Court of the United States simply because you don't like some of the decisions they make—that is Court packing.

President Franklin Roosevelt explored this idea in the 1930s, after the Supreme Court struck down key parts of the New Deal.

President Biden's Commission's own report called FDR's attempt to pack the Court a "needless, futile, and utterly dangerous abandonment of constitutional principle."

No President has been reckless enough or shortsighted enough to push for it since FDR. President Biden said

he was not a fan of Court packing during his campaign, but then he backtracked and said he was open to the idea.

Giving in to pressure from the far-left wing of his party, he created this Commission instead, leaving the problem of taking a position on this issue for another more politically convenient day.

As the Commission's report details, Court packing is often used as a political weapon in authoritarian regimes, not in the United States of America.

Take Venezuela, where Hugo Chavez cemented support for his socialist policies by expanding the country's Supreme Tribunal of Justice from 20 members to 32 members back in 2004. Look at all the good that did for what was once the wealthiest country in South America.

We need to leave this practice to dictatorships, where it belongs. Republics, like the United States, simply don't engage in this kind of behavior.

As the Commission's report says, stable democracies "have retained a strong commitment to judicial independence." Packing the Supreme Court would take an ax to that tradition of judicial independence.

The United States is the greatest country on Earth because of our respect for the rule of law, not in spite of it.

And in light of this report, a resolution I cosponsored earlier this year that would fix the number of Supreme Court Justices at nine is even more important, and I would like to thank Florida's senior Senator for leading the way on this.

In the American system of separation of powers and checks and balances, our role here in Congress is to make laws, not to interpret them. That is the job of our courts, and their independence in doing that job is absolutely vital.

As the Commissioners write in their report courts "cannot serve as effective checks on government officials if their personnel can be altered by those same government officials." That is a bipartisan group writing that—a bipartisan group where liberals outnumbered conservatives nearly 6 to 1.

We cannot pack the Supreme Court. President Biden needs to put an end to this dangerous idea once and for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

CAMPUS FREE SPEECH

Mr. GRASSLEY. Mr. President, many times my fellow Senators have heard me say that my definition of a university is a place where controversy ought to run rampant. The point of going to college is not for all students to come out thinking exactly the same way. College is for ideas to be challenged. To weed out ideas we disagree with, we need open debate, not to shut down the conversation. Students of all stripes should be able to say what is on their mind.

Institutional free speech should not be partisan. You can have partisan dis-

cussions, but the merely speaking of it, right or wrong, you agree or disagree, should not be a partisan issue or even be a controversial issue. Everyone is hurt if ideas are not frankly discussed by the next generation.

Thankfully, Iowa has recognized this reality. So this spring, Governor Reynolds signed a bill into law that helps codify free expression in Iowa's public colleges.

Now, it sometimes feels like Washington, DC, can forget common sense on this issue as well as a lot of other issues. But in Des Moines, the bill passed both chambers of the Iowa Legislature with just 1 single "no" vote out of 150 senators and representatives.

But here we are nationally. We seem to be heading in the wrong direction in regard to free speech on campus and discussion of some controversial issues. As recent as 2016, majorities of students were confident that the First Amendment was secure, but now it looks like there has been a chilling effect on too many campuses.

According to a more recent poll, 80 percent of the students now say that they self-censor. In other words, 80 percent of the students are afraid to voice and give their support or opposition on certain issues. Hostility to freedom of expression is being heard loud and clear by our students.

But somehow it doesn't seem like the donors seem to be listening to what is happening on these college campuses. I have tried to highlight this overlooked group of donors in the free speech debate. Students and faculty are limited by the threat of getting canceled on campus. But donors have much more sway if they want to take advantage of it.

Now, it seems, unfortunately, these alumnae don't seem to consider free speech when they make a decision to donate, because their donation would have some power behind it if they would take the time to say what they think about how universities ought to be an environment where controversy runs rampant.

We have a poll of donors to one college that found that the vast majority thought that freedom of expression should be a priority on campus, but only 20 percent said it was clear their alma mater protects speech in practice. Now, this is among donors, those who have already given despite their concerns. That is despite donations representing up to 19 percent of college budgets.

There are more examples than I can count of donors withholding contributions and making real concrete change. Donors have stopped speakers from being deplatformed and overrode the veto of the crowd.

It is time to stop pretending that alumni have no say. Earlier this year, I joined the Campus Free Speech Caucus here in the Congress. That caucus tries to preserve this trend. I am also a cosponsor of the Campus Free Speech Resolution, which urges greater First

Amendment protection in America's universities.

But this is not a problem that can be solved by any bill in the Senate. Thankfully, that tide is starting to turn. One of the first colleges to make a move was the University of Chicago. In 2015, the university president sent a statement on free expression to the incoming freshmen. He showed in that letter how both sides of the aisle are hurt when campuses clamp down on open debate. He called out what are considered "trigger warnings" and "safe spaces" while praising academic freedom.

Now other colleges in our country are slowly starting to follow suit. So far, 75 schools have released similar statements, but, of course, 75 schools is only a fraction of all the colleges in the United States.

To continue this progress we need individual Americans to make their voices heard. Ultimately, being a democracy means that we are able to listen to each other and do it civilly. We ought to be able to respectfully talk about where we agree and disagree, not sweep those disagreements under the rug and, in the process, silence those who do have the guts to speak out.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUNT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. ROSEN). Without objection, it is so ordered.

TRIBUTE TO FRANCIS S. COLLINS

Mr. BLUNT. Madam President, Dr. Francis Collins, the Director of the National Institutes of Health, will retire this month after serving as the Director since 2009. That will be 12 years in one of the most challenging jobs in Washington, maybe even in the world.

Dr. Collins served under three Presidents in that job. No other person has served under more than one President. During that 12 years, certainly there had been amazing advances in healthcare.

As a Washington Post reporter put it, and this was a quote from his article, "News that Francis Collins is stepping down as Director of the National Institutes of Health is a bit like hearing that Santa Claus is handing off his reindeer reins." This is the time of year to think about that.

When he announced his retirement earlier this year, it was certainly followed by a flood of comments from the scientific community. They used words like "brilliant," "national treasure," "smartest man in any room," "beloved," and "gentleman." I would also echo those words. I think I would add, from the great opportunities I have had to work with him and spend time with him, "straightforward," "kind," "respected." By the way, he never seems